

## UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

HOWARD MIDGETTE

**Judgment in a Criminal Case**(For **Revocation** of Probation or Supervised Release)

Case No. CR 97-998-04 (RJD)

USM No. 48813-053

MICHAEL HURWITZ, ESQ.

Defendant's Attorney

**THE DEFENDANT:**

- ☒ admitted guilt to violation of condition(s) listed below of the term of supervision.
- ☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

**Violation Number****Nature of Violation****Violation Ended**

Charge 1

Shall not commit another Federal, State or Local crime.

05/08/2010

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ The defendant has not violated condition(s) Charge 2 and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 9441Defendant's Year of Birth: 1963City and State of Defendant's Residence:  
Brooklyn, New York04/04/2012

Date of Imposition of Judgment

s/ Judge Raymond J. Dearie

Signature of Judge

RAYMOND J. DEARIEU.S.D.J.

Name and Title of Judge

04/04/2012

Date

DEFENDANT: HOWARD MIDGETTE  
CASE NUMBER: CR 97-998-04 (RJD)

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

DEFENDANT'S TERM OF SUPERVISED RELEASE IMPOSED ON 2/5/1999 WILL CONTINUE AS ORIGINALLY IMPOSED AND AS MODIFIED TODAY. (SEE PAGE 3)

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: HOWARD MIDGETTE  
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### ADDITIONAL SUPERVISED RELEASE TERMS

FOR A PERIOD OF SIX(6) MONTHS, PERIOD TO COMMENCE AT PROBATION'S DIRECTION, THE DEFENDANT SHALL BE CONFINED TO HIS RESIDENCE. THE DEFENDANT SHALL BE REQUIRED TO BE AT HIS RESIDENCE AT ALL TIMES EXCEPT FOR APPROVED ABSENCES FOR GAINFUL EMPLOYMENT, COMMUNITY SERVICE, RELIGIOUS SERVICES, MEDICAL CARE, EDUCATIONAL OR TRAINING PROGRAMS, AND AT OTHER SUCH TIMES AS MAY BE SPECIFICALLY AUTHORIZED, IN ADVANCE, BY THE U.S. PROBATION OFFICE. THE DEFENDANT SHALL WEAR AN ELECTRONIC MONITORING DEVICE AND FOLLOW ALL LOCATION MONITORING PROCEDURES. THE DEFENDANT SHALL PERMIT THE PROBATION OFFICER ACCESS TO THE RESIDENCE AT ALL TIMES AND MAINTAIN A TELEPHONE WITHOUT ANY CUSTOM SERVICES AT THE RESIDENCE. DURING THIS PERIOD, THE DEFENDANT MAY BE PLACED ON A CURFEW IF THE U.S. PROBATION OFFICE DETERMINES THAT THIS LESS RESTRICTIVE FORM OF LOCATION MONITORING IS APPROPRIATE. THE DEFENDANT SHALL PAY THE COSTS ASSOCIATED WITH THE LOCATION MONITORING SERVICES, TO THE EXTENT HE IS ABLE, AND SHALL DISCLOSE ALL FINANCIAL INFORMATION AND DOCUMENTS TO THE PROBATION DEPARTMENT TO ASSESS HIS ABILITY TO PAY;

CONTINUED COMPLIANCE WITH PROBATION.